

M-15389 US

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Claims 1-23 are pending in the present application. Claims 1-23 are rejected under 35 U.S.C. 103(a). The rejections are respectfully traversed in light of the following remarks, and reconsideration is requested.

Applicant first notes that this is the third Office Action on the merits, with rejections based on different references each time. Applicant has not amended any of the claims and has presumably distinguished the cited references from each Office Action. Applicant acknowledges that there is no limit on the number of Office Actions the Examiner may issue. However, according to MPEP 707.07(g), “[p]iecemeal examination should be avoided as much as possible.” The exceptions to this do not apply to the current application. Accordingly, Applicant respectfully requests the Examiner take this under consideration.

Rejections under 35 U.S.C. § 103(a)

Claims 1-4, 6-7, 11-15, and 17-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (U.S. Pat. No. 5,914,675) in view of Timothy et al. (U.S. Pub. No. 20030114206).

Tognazzini discloses an emergency locator device which transmits location data by wireless telephone communications. (Abstract). The purpose of the device is to be able to transmit location information in the event of an emergency. To that end, the device receives GPS signals and stores location information. (Col. 4, lines 40-58). Applicant could find no teaching that a location is stored when a user presses a keypad. The location storage appears to be periodically continuous, as with standard GPS protocols. In other words, the location storage does not depend on a user depressing a keypad.

Tognazzini teaches that upon detecting an event, the device may check received GPS location data and update the stored location data if required, such as if the device has moved a

MACPHERSON KWOK CHEN
& HEDD LLP
3033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 392-9250
FAX (408) 392-9262

M-15389 US

predetermined distance from the last stored location. (See, e.g., col. 7, lines 19-32). When the keypad is depressed on the Tognazzini device, an emergency call is made and the current stored location data is transmitted via a wireless telephone channel. (See, e.g., col. 5, lines 24-28; col. 10, lines 46-51). Thus, Applicant does not believe that Tognazzini teaches requesting, receiving, and storing location coordinates of a first location when the keypad is depressed. Again, Tognazzini does not request GPS coordinates to be received, nor does Tognazzini receive location coordinates when the keypad is depressed.

The Examiner also states that Tognazzini teaches that when the user presses the keypad, the GPS sensor is directed to request and receive location coordinates of a second location. Applicant respectfully disagrees for the same reasons above. When the keypad is depressed in Tognazzini, an emergency call is sent with location coordinates. While it is true that Tognazzini compares two sets of location coordinates (the most recent stored coordinates and the just-received GPS coordinates), there is no teaching that these are both stored and used, as recited in Applicant's claims.

In addition to these deficiencies, the Examiner points out a further deficiency of Tognazzini in that "Tognazzini fails to specifically disclose compare the first and second location coordinates and cause the display to indicate information directing the user from the second location to the first location."

To remedy this deficiency, the Examiner states that "Timothy et al. disclose a portable device wherein it discloses the comparison of a first location and a second location and display (See paragraph 0033). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Tognazzini with that of Timothy et al. by comparing the locations in order to provide acquired information."

Timothy et al. disclose a system to collect and track data, such as with packages, using portable devices. Applicant could not find any teaching of comparing first and second

MACPHERSON KWOK CHEN
& HEDD LLP
3033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 392-9250
FAX (408) 392-9263

M-15389 US

location coordinates and causing the display to direct the user from the second location to the first location. Addressing the Examiner's cited paragraph [0033], Timothy et al. teach comparing a destination address of an item with the actual location of that item. Thus, the comparison is with a destination address, not an actual first location. Accordingly, there is no teaching of comparing stored first location coordinates with stored second location coordinates. In addition, Timothy et al. simply alerts the user if the difference between the destination address and actual item location exceeds some threshold. There is no teaching or even suggestion of displaying to the user how to get from the second location to the first location. Consequently, Applicant believes that Timothy et al. do not remedy the deficiencies of Tognazzini, not just for the Examiner's stated deficiency, but for the others discussed above as well.

Applicant's invention is directed to first storing the position of a first location, such as of a parked vehicle, determining the location of the user at a second location, and then providing directions to the user to get back to the first location from the second location. This is especially useful to enable the user to easily find and get to the location where the user's car was parked last. This is very different than the device disclosed in Tognazzini or Timothy et al. Tognazzini, as discussed above, simply teachings transmitting stored GPS location information, such as to a rescue team or call center, during an emergency. Timothy et al. teach comparing a destination address with an actual location to determine the accuracy of an item delivery. There is nothing in Tognazzini or Timothy et al. that even remotely suggesting using a stored location and a current location to provide direction to the user for getting from the current location to the stored location.

In addition, even assuming arguendo that Timothy et al. remedy the deficiencies of Tognazzini, Applicant contends that Tognazzini and Timothy et al. cannot be properly combined because there is no motivation to combine. The Examiner states that "It would

M-15389 US

have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Tognazzini with that of Timothy et al. by comparing the locations in order to provide acquired information." However, as discussed above, Timothy et al. disclose a system for determining the accuracy of a delivered item by comparing the desired destination address with the actual item location. There is nothing in Hampton that teaches or suggests using the device to transmit location information during an emergency, which is the subject matter of Tognazzini. Thus, there is no motivation to modify Tognazzini to compare a destination address with an actual location because Tognazzini simply does not discuss or suggest using the device for any kind of location error calculation or alerting.

Therefore, for the reasons above, claims 1, 15, and 18 are patentable over the cited references.

Claims 2-4, 6-7, 11-14, 17, and 19-23 depend on claims 1, 15, and 18 and are thus patentable over the cited references for at least the same reasons as claims 1, 15, and 18.

Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini and Timothy et al. in view of Luper (U.S. Pat. No. 6,011,461).

Luper discloses a system which determines if a speed sensor, such as a speedometer, is faulty by 1) obtaining an initial position of the vehicle using GPS, 2) obtaining the current vehicle speed at the end of a specific time period using the vehicle speed sensor, 3) obtaining a final position of the vehicle at the end of the specific time period using GPS, 4) calculating the distance traveled by the vehicle using the speed and time, 5) calculating the distance traveled by the vehicle using the difference between the two GPS position measurements, and 6) comparing the two distance calculations to determine the discrepancies between the two, if any. (Luper, col. 1, lines 43-54, col. 5, lines 6-27; Fig. 2 and corresponding text). In other words, Luper takes two GPS positional measurements and calculates the distance between the

MACPHERSON KWOK CHIEN
& HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 392-0250
FAX (408) 392-0262

M-15389 US

two. Luper then compares this with a distance calculated using the vehicle's speedometer and elapsed time. Thus, Luper simply calculates the distance between two GPS locations.

As detailed in the previous Office Action (in which Luper was cited), Luper does not remedy the deficiencies of the cited prior art and is very different than what is recited in Applicant's claims.

Therefore, because Luper, together with Tognazzini and Timothy et al., does not disclose the limitations of claim 1, claims 8-10, which depend on claim 1, are believed patentable over these references for at least the same reasons as claim 1.

Claims 5 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini and Timothy et al. in view of Boesch et al. (U.S. Pat. No. 6,438,382).

Boesch et al. is cited for disclosing the device implemented as a key chain. In general, Boesch et al. disclose a device to "expedite position determination". (Col. 2, line 10). The purpose is to ensure "that a mobile terminal maintains current position assistance data so that the time required to determine its geographic position on demand is reduced." (Col. 2, lines 63-66). Further, Boesch et al. goes on to state that "The mobile terminal 100 maintains updated position assistance data, which may include GPS satellite position and time information, so that it can rapidly calculate its geographic position when necessary." (Col. 3, lines 42-45). Thus, the device maintains and stores updated position information as the device moves so that when a position determination is needed, such as in an emergency calling situation, the mobile terminal can quickly determine the position because of the stored updated position information. (Col. 1, line 61 to col. 2, line 41). In other words, Boesch et al. discloses a device that calculates the location of the user, where the calculation time is reduced because position information is updated by the device.

As set forth in detail in the previous response, Boesch et al. does not teach or suggest the limitations of independent claims 1 or 15. Namely, Boesch et al. discloses simply

MACPHERSON KWOK CHEN
& HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 392-9230
FAX (408) 392-9262

M-15389 US

performing the function of "direct[ing] the GPS sensor to request and receive second location coordinates at a second location when the user presses the second button", i.e., calculating the location of the user at a present time. There is no disclosure or teaching of other limitations of claim 1, such as comparing a first location to a second location and indicating information to the user of how to get to the first location from the second location. Boesch et al. does not even use the first known location, as it continually updates the current position.

Thus, because Boesch et al. do not remedy the deficiencies of Tognazzini and Timothy et al., as applied to claims 1 and 15, claims 1 and 15 are patentable over the cited references. As a result, claims 5 and 16, which depend on claims 1 and 15, respectively, are likewise patentable over the cited references for at least the same reasons.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

MACPHERSON KWOK CHEN
& HEID LLP
2033 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 392-9250
FAX (408) 392-9262

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CONCLUSION

For the foregoing reasons, Applicant believes pending claims 1-23 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 752-7040.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Monique M. Butler

January 17, 2007
Date of Signature

Respectfully submitted,


Tom Chen
Attorney for Applicant(s)
Reg. No. 42,406

MACPHERSON KWOK CHIEN
A WEED LLP
1003 GATEWAY PLACE
SUITE 400
SAN JOSE, CA 95110
(408) 992-0250
FAX (408) 992-0262